In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 981-CAT of 2007

Date of Decision: 22.01.2007

Union of India and another

....Petitioner

Versus

Secretary, Ministry of Health and Family Welfare and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. I.S. Sidhu, Central Government Counsel
for the petitioners.

...

J.S. Khehar, J. (Oral).

The respondent – Shalo Ram filed Original Application No.706/PB. of 2005, claiming medical reimbursement. The Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as the Administrative Tribunal), accepted the claim of the respondent – Shalo Ram, raised in the aforestated original application, by an order dated 31.8.2006.

According to the learned counsel for the petitioners, the grievance of the petitioners emerges from a collective direction issued to the respondents in para 13 of the order passed by the Administrative Tribunal on 31.8.2006. Para 13 of the aforesaid order is, accordingly, being extracted hereunder:-

> "In view of these observations made hereinabove, the concerned respondents are hereby directed to decide the claim of the applicant under the CGHS while keeping in view the judicial verdicts as above made on the basis of decision rendered in the case of V.K. Jagadhari (supra). This process would be completed by the respondents within a period of three months from the date of receipt/production of copy of this order and the applicant be paid permissible dues of his medical treatment under the CGHS while duly communicating the order to him."

A perusal of the order nowhere reveals, that any express direction has been issued to the petitioners herein, namely, the Comptroller and Auditor General of India or the Accountant General (Audit), Haryana, although, it is acknowledged by the learned counsel for the petitioners, that the respondent – Shalo Ram was, in fact, an employee engaged by the Accountant General (Audit), Haryana, and has discharged his duties under petitioner No.2.

It is not possible for us to accept the instant contention of the learned counsel for the petitioners for two reasons. Firstly, there is no express order, requiring the petitioners herein to pay the respondent – Shalo Ram medical reimbursement under the CGHS scheme. A perusal of the directions issued by the Administrative Tribunal in its order dated 31.8.2006 reveals, that the Tribunal was conscious and required only "...concerned respondents..." to decide and pay the claim of the respondent – Shalo Ram, under the CGHS scheme.

Secondly, the contention of the learned counsel for the petitioners is, that the aforesaid payment is to be made by petitioner No.1

herein. This contention of the learned counsel for the petitioners is equally misconceived. The respondent – Shalo Ram being an employee of the Accountant General (Audit), Haryana, could have raised a genuine claim only from the office where he was discharging his duties, and in case, petitioner No.2 does, in fact, pay the claim raised by the respondent – Shalo Ram for medical reimbursement under the CGHS scheme, it will always be open to the said petitioner to recover the same from petitioner No.1. It is too technical a issue for us to require the respondent – Shalo Ram to raise a specific claim from the Secretary, Ministry of Health and Family Welfare. In fact, in our view, it is the onerous duty and responsibility of petitioner No.2 to release the aforesaid payment to the respondent – Shalo Ram.

Disposed of accordingly.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

22.01.2007
sk.